



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

**JAN 21 2015**

OFFICE OF  
ENVIRONMENTAL CLEANUP

Robert G. Whitlam, Ph.D.  
Washington State Archaeologist  
Department of Archaeology & Historic Preservation  
PO Box 48343  
Olympia, Washington 98504-8343

**Re: Consultation under Section 106 of the National Historic Preservation Act for a Non-Time Critical Removal Action at the Bremerton Auto Wrecking/Gorst Creek Landfill Site located at 4275 State Highway 3 SW in Port Orchard, Washington**

Dear Dr. Whitlam, PhD:

The U.S. Environmental Protection Agency, Region 10 is currently preparing to implement a non-time critical removal action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act at the Bremerton Auto Wrecking / Gorst Creek Landfill Site in Port Orchard, Washington. The objective of the removal action is to protect public health and the environment by removing an existing landfill from its current location in a creek ravine and properly disposing of the waste at a permitted landfill. In accordance with the provisions of the National Historic Preservation Act. The EPA is conducting the removal action and has therefore determined that the action is an "undertaking" as defined at 36 C.F.R. § 800.16(y). The purpose of this letter is to:

- (1) Provide an overview of the undertaking;
- (2) Describe the Area of Potential Effect;
- (3) Present the EPA's finding of no historic properties affected, the evaluation in support thereof, and documentation of this finding consistent with 36 C.F.R. § 800.11; and
- (4) Request your concurrence with EPA's determination.

## **Overview of Undertaking**

### *Location of Site*

The Gorst Creek Landfill Site is located at or around 4275 State Highway 3 Southwest, in Port Orchard, Washington and is identified by the Kitsap County Tax Assessor as parcel number 012301-4-022-1005. The Site consists of a triangular waste disposal area or landfill of approximately 5.7 acres located in a deep ravine through which Gorst Creek flows. A depiction of this Site is enclosed with this letter as **Figure 1**. Other than the landfill, there are no buildings, structures or other improvements located on the Site. The landfill is approximately 700 feet long, reaches depths of approximately 60 to 80 feet, and is estimated to contain 150,000 cubic yards of waste. To create the landfill, Gorst Creek was channeled through a 24-inch corrugated steel culvert placed on the floor of the ravine. Between approximately 1968 and 1989, the ravine was filled with waste disposed of on top of the culvert. A satellite map and diagram of the Site is enclosed with this letter.

The Site is adjacent to Washington State Highway 3 with the landfill located approximately 100 yards upstream of the highway. Below the Site Gorst Creek flows through the wellhead protection zone for the City of Bremerton's municipal wells 15 and 17 and supports the Suquamish Tribe's Chinook salmon hatchery operations before its confluence with Puget Sound at Sinclair Inlet.

#### *Site History*

The EPA conducted a review of Kitsap County property records as part of efforts to identify potentially responsible parties. The following is a brief history of the Site based on EPA's PRP search report.

Ms. Flora Hooper was the first recorded owner of the property. Based on available property records the Site was unused, undeveloped and existed in a natural state until 1951 when Flora Hooper entered into a ten-year agreement with Harry Earl to harvest Christmas trees from the property. In 1964, Flora Hooper sold the Site and adjacent property to Ames Auto Wrecking Inc., which commenced operation of an auto wrecking business on the property adjacent to the Site. In 1969, AAW entered into a one-year contract with the U.S. Navy to dispose of waste generated at Puget Sound Naval Shipyard at the Site. To provide for disposal of waste in the creek ravine, AAW channeled Gorst Creek through a 24-inch steel culvert placed at the bottom of the ravine and proceeded to dump waste in the ravine and on top of the culvert. The contract with PSNS provided for disposal of waste estimated at 124,955 cubic yards, and identified as industrial trash (6,000 cubic yards), contaminated garbage (50 cubic yards), timber and logs (1,000 cubic yards), oils, tars and chemicals (50 cubic yards), and sawdust (650 cubic yards). Following the termination of the Navy contract in 1970, the Site was used as a landfill by local residents until it was shut down by order of the Kitsap County Health District in 1989. The Site has remained unused and unoccupied since 1989. In 2000, Kitsap County executed a tax foreclosure of the Site. The Site was subsequently sold to Vern L. Padgett in 2002. Mr. Padgett purchased the Site as an agent for William Niles, who acquired the Site as an investment property for the ST Trust, a family trust established for the benefit of Mr. Niles' grandchildren. The ST Trust is the current owner of the Site, which remains unused and unoccupied.

#### *Site Conditions*

Over the years the weight of the landfill waste has crushed the culvert, restricting the flow of Gorst Creek and causing the Creek to impound upstream of the landfill. On March 19, 1997, it rained seven inches in a 24-hour period. The precipitation increased the flow of Gorst Creek and resulted in the impoundment of a significant volume of water upstream of the culvert passage beneath the landfill. The impoundment of Gorst Creek caused surface water to bypass the culvert and flood through and over the top of the landfill, causing the downstream slope of the landfill to erode and slide into Gorst Creek. The landfill slide dispersed waste material in and around the upstream entrance to the culvert conveying Gorst Creek beneath State Highway 3, and up to a half mile downstream. In addition, the impoundment of water upstream of the landfill elevated the water level of Gorst Creek and resulted in the saturation of landfill debris. Seven days after the landfill slide, on March 26, 1997, a groundwater sample collected from the City of Bremerton monitoring well BR-11 detected elevated concentrations of hazardous substances including cadmium at 42.7 micrograms per liter ( $\mu\text{g/L}$ ), copper at 3.0  $\mu\text{g/L}$ , and zinc at 75  $\mu\text{g/L}$ .

Following the March rain event, Washington State Department of Ecology, Washington State Department of Transportation and the Kitsap County Health District identified three main areas of immediate concern resulting from the instability of the landfill: (1) potential threats and damage to State Highway 3, (2) potential impacts to downstream well fields, including the City of Bremerton's wells,

and (3) adverse impact to fish habitat from continued sedimentation and debris. In February 2001, Ecology placed the Site on its "Hazardous Sites List" and assigned it the highest priority ranking.

Heavy rainfall in January 2002 again caused Gorst Creek to impound upstream of the landfill and to flood through and over top of the landfill. Following this event, Ecology referred the Site to the EPA and requested assistance to address Site conditions. The EPA conducted a preliminary assessment and inspection of the Site on January 28, 2003. At the time of the inspection, Gorst Creek was impounded upstream of the landfill a distance of approximately 400 feet, with standing water reaching depths of up to 30 feet. The EPA deployed a video camera into the culvert and confirmed that the culvert had collapsed beneath the weight of the landfill approximately 450 feet upstream of the culvert outflow. A second culvert collapse was observed approximately 20 feet downstream of the culvert inflow. The EPA was unable to inspect the condition of the approximately 220 feet of culvert between the two observed collapsed areas. Onsite sampling results identified the following hazardous substances at concentrations that exceeded health-based screening levels: two polychlorinated biphenyls ("PCBs") – Aroclor-1242 and Aroclor-1254; six pesticides – aldrin, alpha-chlordane, dieldrin, endrine, keton, gamma-chlordane, and heptachlor; two metals – arsenic and lead; and four semivolatile organic compounds ("SVOCs") – 2-methylnaphthalene, naphthalene, phenanthrene and bis[2-ethylhexyl]phthalate. Downstream offsite sediment samples detected concentrations of dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDE), PCBs and copper at levels exceeding federal ecological screening levels.

On December 3, 2007, the Site received eight inches of rainfall, which caused Gorst Creek to impound upstream of the culvert entrance to the landfill and to flow over and through the landfill, causing severe flooding and downstream slope erosion. On December 4, 2007, KCHD inspected the Site and observed a landfill slide of approximately 200 cubic yards of waste material and debris. Waste material was observed in Gorst Creek up to a half-mile downstream of the Site. The landfill slide resulted in a significant amount of waste material and debris blocking the State Highway 3 culvert, requiring WSDOT to use an excavator to clear accumulated debris from the culvert and highway embankment.

#### *Proposed EPA removal action*

Based on analyses of the Site, the EPA has concluded that the collapsed culvert restricts the flow of Gorst Creek, causing water to impound upstream of the landfill. Impoundment of water upstream of the landfill may also result in significant downstream flooding events. Large storm events increase the level of impounded water and result in water flooding through the landfill and eventually overtopping the upper elevation of the landfill. Flooding through and overtop of the landfill presents a threat of release of hazardous substances from the landfill and contributes to landfill instability by eroding the downstream landfill slope as water carries waste from the landfill to the downstream environment.

To address Site conditions that present a threat to public health and the environment, the EPA is proposing to implement a removal action pursuant to CERCLA that will remove the landfill in its entirety and restore the creek ravine to its natural condition. The waste removed from the landfill will be transported for disposal at an appropriate offsite landfill. The restoration of the creek ravine will be conducted so as to provide habitat and fish passage for threatened Chinook salmon and other fish species. An administrative order on consent between the EPA and the current property owner and the U.S. Navy is expected to provide funding to implement the removal action.

### **Area of Potential Effect**

For purposes of this undertaking, the APE is the geographic area of the Site and the adjacent property that will be used as a staging area and as a truck route to access State Highway 3. As noted, the Site consists only the landfill/waste disposal area and there are no other structures, buildings or improvements located on the property. The adjacent property, owned by Alpine Evergreen Company, is a large parcel consisting of mostly undeveloped land with a few office buildings along State Highway 3. The EPA intends to use the undeveloped eastern portion of the Alpine Evergreen property as a staging area to access the landfill and as a thoroughway for vehicles to access State Highway 3. The office buildings and structures abutted State Highway 3 on the western portion of the property will not be affected by the proposed response work. Accordingly, the portion of the Alpine Evergreen property that may be affected by the undertaking is the undeveloped eastern portion set back from the highway. The APE for this undertaking is depicted in **Figure 1** which is enclosed with this letter.

### **Steps Taken to Identify Historic Properties**

In accordance with 36 C.F.R. § 800.4(b)(1), the EPA has taken “reasonable and good faith efforts” to identify historic properties with the APE. Specifically, the EPA has completed the following tasks:

1. Searched the National Register of Historic Places; and
2. Conducted Outreach with the Suquamish Tribe, as described below, to help identify any historic properties with cultural or religious significance that might be affected by the undertaking.

Based on these efforts, the EPA has determined that there are no historic properties within the APE. The closest historical property, the Port Orchard Masonic Hall at 202 Sydney Avenue in downtown Port Orchard, is located approximately six miles from the Site.

### **Suquamish Tribal Outreach**

The NHPA requirements include that federal agencies consult with Indian tribes that may attached religious or cultural significant to a historic property that may be affected by an undertaking. Specifically, pursuant to 36 C.F.R. § 800.2(c)(2)(ii)(A), the agency is required to ensure that the Indian tribe has a reasonable opportunity to identify concerns about historic properties and to advise the agency on the evaluation of properties, including those that may have traditional religious and cultural importance.

The EPA previously conducted government-to-government consultation with the Suquamish Tribe during the development of the proposed removal action for the Site. The Suquamish Tribe is a federally recognized Tribe that has usual and accustomed (U&A) fishing rights at stations throughout the Puget Sound, including almost all areas along the marine shoreline of Kitsap County. During consultation, the Suquamish Tribe indicated that the Site was located in an area that the Tribe considers part of its U&A fishing areas. Accordingly, the EPA initiated NHPA section 106 consultation with the Suquamish Tribe.

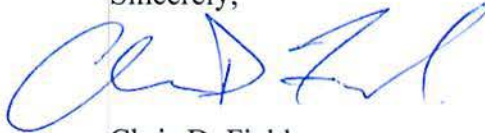
As noted, the EPA has already consulted with the Suquamish Tribe on one occasion in 2012. This consultation focused on the appropriate response action to implement at the Site. The EPA again invited the Suquamish Tribe to consult on the final proposed removal action in a letter dated July 23, 2015. In response, the Suquamish Tribe requested government-to-government consultation. A consultation meeting originally scheduled for November 2015 has been rescheduled to January 21, 2016.

On December 23, 2015, the EPA contacted the Suquamish Tribal Archaeologists to seek assistance in identifying Tribal historic or cultural resources within the APE. The EPA provided the Suquamish information about the proposed response action, including an explanation that the proposed action addresses the removal of waste placed in the creek ravine and will involve minimal disturbance of subsurface native deposits below the creek bed. On January 19, 2016, the Suquamish Tribal Historic Preservation Officer notified the EPA that the tribe did not have cultural resource concerns with respect to the proposed action. The Suquamish Tribe will remain involved at the Site by providing input on the design and restoration of the creek ecosystem and fish habitat. The EPA has also offered the Tribal Historic Preservation Officer the opportunity to visit the Site to observe the response action.

**Conclusion**

Based on the foregoing and pursuant to 36 C.F.R. § 800.4(d)(1), EPA is making a determination of "No Historic Properties Affected" for the undertaking. Please let us know within 30 days of receipt of this letter if you object to this determination. If you have any questions, please contact Jeff Rodin of my staff at (206) 553-6709. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris D. Field".

Chris D. Field  
Program Manager  
Emergency Management Program

Enclosures:

Figure 1 – Area of Potential Effect



